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6  
7 Attorneys for Defendants ALAMEDA COUNTY  
SHERIFF'S OFFICE, ALAMEDA COUNTY,  
DEPUTY JOE, and DEPUTY IGNONT  
8 (collectively "ALAMEDA COUNTY  
DEFENDANTS")  
9

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION  
12

13 ALAMEDA COUNTY MALE PRISONERS  
And Former Prisoners, DANIEL  
14 GONZALEZ, et al. on behalf of themselves  
and others similarly situated, as a Class, and  
15 Subclass;

16 ALAMEDA COUNTY FEMALE  
PRISONERS And Former Prisoners, JACLYN  
17 MOHRBACHER, ERIN ELLIS,  
DOMINIQUE JACKSON, CHRISTINA  
18 ZEPEDA, ALEXIS WAH, AND KELSEY  
ERWIN, et al on behalf of themselves and  
19 others similarly situated,

20 Plaintiffs,

21 v.

22 ALAMEDA COUNTY SHERIFF'S OFFICE,  
ALAMEDA COUNTY, Deputy Joe, Deputy  
23 Ignont (sp) John and Jane ROEs, Nos. 1 – 25,

24 Defendants.

Case No. 3:19-cv-07423-JSC

**DECLARATION OF JASPER L. HALL IN  
SUPPORT OF ALAMEDA COUNTY  
DEFENDANTS' MOTION TO AMEND  
ANSWER TO PLAINTIFFS' FIFTH  
AMENDED COMPLAINT**

*Filed concurrently with Memorandum of  
Points and Authorities and [Prop] Order*

Judge: Hon. Jacqueline Scott Corley  
Date: August 3, 2023  
Time: 10:00 am  
Crtrm.: Courtroom 8—19th Floor

Action Filed: November 12, 2019  
Trial Date: May 6, 2024

## **DECLARATION OF JASPER L. HALL**

I, Jasper L. Hall, declare as follows:

1. I am an associate with Burke, Williams & Sorensen, LLP, attorneys of record for Defendants ALAMEDA COUNTY SHERIFF'S OFFICE, ALAMEDA COUNTY, DEPUTY JOE, and DEPUTY IGNONT (collectively "ALAMEDA COUNTY DEFENDANTS"). I have personal knowledge of the facts set forth herein. If called as a witness, I could and would competently testify to the matters stated herein. I make this declaration in support of the Alameda County Defendants' Motion to Amend their Answer to Plaintiffs' Fifth Amended Complaint.

9       2.       On June 28, 2023 at 9:55 a.m., my colleague, Temitayo Peters, office emailed  
10 Plaintiffs' Counsel, Ms. Yolanda Huang, to ask whether Plaintiffs were willing to stipulate to  
11 permit the Alameda County Defendants to amend their Answer to Plaintiffs' Fifth Amended  
12 Complaint to assert ten (10) new affirmative defenses or whether Plaintiffs intended to oppose  
13 Defendants' requested amendment. As of the time of the filing of this motion, Ms. Peters had not  
14 yet received a response from Plaintiffs' Counsel to the aforementioned email. A true and correct  
15 copy of Ms. Peters' email to Ms. Huang is attached hereto as **Exhibit A**.

16       3.     A true and correct copy of the Alameda County Defendants' proposed Amended  
17 Answer to Plaintiffs' Fifth Amended Complaint is attached hereto as **Exhibit B**. Pursuant to this  
18 Court's standing order, the proposed amendments appear in tracked changes on Page 27, Line 22  
19 through Page 29, Line 22.

I declare under penalty of perjury under the laws of California that the foregoing is true  
and correct to the best of my knowledge.

22 || Executed on this 29th day of June, 2023, at Oakland, California.

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Jasper L. Hall

# EXHIBIT A

**Lee, Tawnya**

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**From:** Peters, Temitayo O.  
**Sent:** Wednesday, June 28, 2023 9:55 AM  
**To:** Yolanda Huang  
**Cc:** Thomas, Gregory B.; Hall, Jasper L.; Lee, Tawnya  
**Subject:** Gonzalez // Motion to Amend Answer  
**Attachments:** [draft] County of Alameda's Answer to Pltf's 5th Amended Complaint.doc

Ms. Huang,

The Alameda County Defendants intend to file a motion to amend their answer to Plaintiffs' Fifth Amended Complaint for the sole purpose of asserting 10 new affirmative defenses. No other changes will be made. I've attached a copy of Defendants' proposed amended answer showing the addition of the new affirmative defenses with tracked changes.

Please advise whether you are willing to stipulate to this limited amendment or whether you intend to oppose.

Thanks,

**Temitayo O. Peters | Partner**  
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# EXHIBIT B

1 [Gregory B. Thomas \(SBN 239870\)](#)  
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3 [Temitayo O. Peters \(SBN 309913\)](#)  
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7 [Attorneys for Defendants ALAMEDA COUNTY SHERIFF'S OFFICE, ALAMEDA COUNTY,](#)  
8 [DEPUTY JOE, and DEPUTY IGNONT \(collectively "ALAMEDA COUNTY](#)  
~~9 DEFENDANTS") Jonathan J. Belaga, Esq. (SBN 275229)~~

10 ~~SKANE MILLS LLP~~  
11 ~~33 New Montgomery Street, Suite 1250~~  
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12 ~~Attorneys for Defendants, ALAMEDA COUNTY SHERIFF'S OFFICE, DEPUTY IGNONT,~~  
~~DEPUTY JOE, and COUNTY OF ALAMEDA~~

13

14

15 **UNITED STATES DISTRICT COURT**

16 **NORTHERN DISTRICT OF CALIFORNIA**

17 ALAMEDA COUNTY MALE PRISONERS, et al. CASE NO.: 3:19-cv-07423-JSC

18

19 Plaintiffs, DEFENDANTS, COUNTY OF ALAMEDA,  
20 v. ALAMEDA COUNTY SHERIFF'S OFFICE, DEPUTY JOE AND DEPUTY  
21 ALAMEDA COUNTY SHERIFF'S OFFICE, et al. IGNONT'S AMENDED ANSWER TO  
22 Defendants. PLAINTIFFS' FIFTH AMENDED  
23 COMPLAINT

24

25 Assigned To: Hon. Jacqueline Scott Corley

26 COMES NOW Defendants, COUNTY OF ALAMEDA, ALAMEDA COUNTY  
27 SHERIFF'S OFFICE, DEPUTY JOE and DEPUTY IGNONT, hereby respond as follows to the  
Fifth Amended Complaint of Plaintiffs:

28 **I. GENERAL ALLEGATIONS**

1       1. As to paragraph 1 of Plaintiffs' Fourth Amended Complaint, Defendants admit  
2 that the majority of inmates at Santa Rita Jail are pretrial detainees; however, the percentage is  
3 subject to fluctuation. Defendants deny each and every additional allegation in paragraph 1.

4       2. As to paragraph 2 of Plaintiffs' Complaint, Defendants deny this paragraph in its  
5 entirety.

6       3. As to paragraph 3 of Plaintiffs' Complaint, Defendants acknowledge the nature of  
7 the case, but deny all allegations in this paragraph in their entirety.

8       4. As to paragraph 4 of Plaintiffs' Complaint, Defendants deny this paragraph in its  
9 entirety.

10       5. As to paragraph 5 of Plaintiffs' Complaint, Defendants acknowledge the nature of  
11 the case, but deny all allegations this paragraph in their entirety.

12       6. As to paragraph 6 of Plaintiffs' Complaint, there is no paragraph 6, or it is wholly  
13 subsumed within paragraph 5.

14       7. As to paragraph 7 of Plaintiffs' Complaint, Defendants acknowledge the nature of  
15 the case, but deny any and all class allegations alleged.

16       8. As to paragraph 8 of Plaintiffs' Complaint, Defendants acknowledge the relief  
17 sought, but deny Plaintiffs' are entitled to said relief for the reasons alleged.

18       9. As to paragraph 9 of Plaintiffs' Complaint, Defendants deny any individual  
19 Plaintiffs are entitled to damages.

20       10. As to paragraph 10 of Plaintiffs' Complaint, Defendants admit that this Court has  
21 jurisdiction; however, Defendants note that Plaintiffs' claims under the Civil Rights Acts have  
22 been dismissed.

23       11. As to paragraph 11 of Plaintiffs' Complaint, Defendants admit that this Court has  
24 Jurisdiction under 28 U.S.C. section 1331, but deny that there is jurisdiction under section 1343,  
25 which has been dismissed.

26       12. As to paragraph 12 of Plaintiffs' Complaint, Defendants admit that venue is  
27 proper in this Court.

1       13. As to paragraph 13 of Plaintiffs' Complaint, Defendants admit that Plaintiffs are  
2 demanding a jury trial in this matter.

3       14. As to paragraph 14 of Plaintiffs' Complaint, Defendants deny that the named  
4 Plaintiffs have alleged any actionable facts individually and that these named Plaintiffs are  
5 representative of the class they are seeking to represent. In addition, Defendants note that the list  
6 of Plaintiffs includes persons with no claims or dismissed claims; therefore, Defendants deny  
7 that several of the named persons are Plaintiffs in this matter. To the extent that the individual  
8 Plaintiffs make individual allegations in Paragraphs 14.1-14.2.15, Defendants deny those  
9 allegations in their entirety.

10      15. As to paragraph 15 of Plaintiffs' Complaint, Defendants admit the allegations  
11 contained therein, except for Paragraph 15.4, which has been dismissed from this Action, and is  
12 therefore denied.

13      16. As to paragraph 16 of Plaintiffs' Complaint, Defendants admit, on information  
14 and belief, that Well-Path and its predecessors have a contract with Defendant Alameda County  
15 Sheriff's Office; however, Defendants do not possess sufficient knowledge to admit or deny any  
16 additional allegations contained in this paragraph.

17      17. As to paragraph 17 of Plaintiffs' Complaint, Defendants admit that Defendant  
18 Aramark has a written contract with Defendant Alameda County Sheriff's Office to operate the  
19 kitchen at Santa Rita Jail; however, Defendants do not possess sufficient knowledge to admit or  
20 deny any additional allegations contained in this paragraph.

21      18. As to paragraph 18 of Plaintiffs' Complaint, Defendants deny all allegations,  
22 including all class allegations, in this Paragraph.

23      19. As to paragraph 19 of Plaintiffs' Complaint, Defendants admit that there was a  
24 reduction in population due to the Covid-19 pandemic, but lacks sufficient information to admit  
25 or deny the exact numbers Plaintiff has alleged.

26      20. As to paragraph 20 of Plaintiffs' Complaint, Defendants deny all allegations,  
27 including all class allegations, in this Paragraph.

1       21. As to paragraph 21 of Plaintiffs' Complaint, Defendants deny all allegations,  
2 including all class allegations, in this Paragraph.

3       22. As to paragraph 22 of Plaintiffs' Complaint, Defendants deny all allegations,  
4 including all class allegations, in this Paragraph.

5       23. As to paragraph 23 of Plaintiffs' Complaint, Defendants deny all allegations,  
6 including all class allegations, in this Paragraph.

7       24. As to paragraph 24 of Plaintiffs' Complaint, Defendants deny all allegations,  
8 including all class allegations, in this Paragraph.

9       25. As to paragraph 25 of Plaintiffs' Complaint, to the extent that there are any  
10 intelligible allegations, Defendants deny all such allegations, including all class allegations, in  
11 this Paragraph; however, the Paragraph does not contain a complete sentence such that it is  
12 unintelligible.

13       26. As to paragraph 26 of Plaintiffs' Complaint , to the extent that there are any  
14 intelligible allegations, Defendants deny all such allegations, including all class allegations, in  
15 this Paragraph; however, the Paragraph does not contain a complete sentence such that it is  
16 unintelligible.

17       27. As to paragraph 27 of Plaintiffs' Complaint, Defendants deny all allegations,  
18 including all class allegations, in this Paragraph.

19       28. As to paragraph 28 of Plaintiffs' Complaint, Defendants deny all allegations,  
20 including all class allegations, in this Paragraph.

21       29. As to paragraph 29 of Plaintiffs' Complaint , to the extent that there are any  
22 intelligible allegations, Defendants deny all such allegations, including all class allegations, in  
23 this Paragraph; however, the Paragraph does not contain a complete sentence such that it is  
24 unintelligible.

25       30. As to paragraph 30 of Plaintiffs' Complaint, to the extent that there are any  
26 intelligible allegations, Defendants deny all such allegations, including all class allegations, in  
27 this Paragraph; however, the Paragraph does not contain a complete sentence such that it is  
28 unintelligible. Also, any cause of action related to these allegations has been dismissed.

1       31. As to paragraph 31 of Plaintiffs' Complaint , to the extent that there are any  
2 intelligible allegations, Defendants deny all such allegations, including all class allegations, in  
3 this Paragraph; however, the Paragraph does not contain a complete sentence such that it is  
4 unintelligible.

5       32. As to paragraph 32 of Plaintiffs' Complaint, Defendants deny all allegations,  
6 including all class allegations, in this Paragraph.

7       33. As to paragraph 33 of Plaintiffs' Complaint, Defendants deny all allegations,  
8 including all class allegations, in this Paragraph.

9       34. As to paragraph 34 of Plaintiffs' Complaint, Defendants deny all allegations,  
10 including all class allegations, in this Paragraph.

11       35. As to paragraph 35 of Plaintiffs' Complaint, Defendants deny all allegations,  
12 including all class allegations, in this Paragraph.

13       36. As to paragraph 36 of Plaintiffs' Complaint, Defendants deny all allegations,  
14 including all class allegations, in this Paragraph.

15       37. As to paragraph 37 of Plaintiffs' Complaint, Defendants admit that Santa Rita Jail  
16 was originally designed with the concept of locking up prisoners; however, Defendants object  
17 that this is irrelevant to this litigation.

18       38. As to paragraph 38 of Plaintiffs' Complaint, Defendants deny all allegations in  
19 this Paragraph.

20       39. As to paragraph 39 of Plaintiffs' Complaint, Defendants object that this is  
21 irrelevant to this litigation. Defendants admit that Deputies receive the salaries and benefits they  
22 deserve.

23       40. As to paragraph 40 of Plaintiffs' Complaint, Defendants object that this is  
24 irrelevant to this litigation. Defendants admit that Deputies receive the salaries and benefits they  
25 deserve.

26       41. As to paragraph 41 of Plaintiffs' Complaint, Defendants admit that the population  
27 at Santa Rita Jail declined in proportion to a decrease in the overall crime rate.  
28

1       42. As to paragraph 42 of Plaintiffs' Complaint, Defendants admit that the population  
2 at Santa Rita Jail declined in proportion to a decrease in the overall crime rate.

3       43. As to paragraph 43 of Plaintiffs' Complaint, Defendants object that the material in  
4 this paragraph is irrelevant.

5       44. As to paragraph 44 of Plaintiffs' Complaint, Defendants deny all allegations,  
6 including all class allegations, in this Paragraph.

7       45. As to paragraph 45 of Plaintiffs' Complaint, Defendants deny all allegations in  
8 this Paragraph.

9       46. As to paragraph 46 of Plaintiffs' Complaint, Defendants admit the allegations in  
10 this Paragraph.

11       47. As to paragraph 47 of Plaintiffs' Complaint, Defendants deny all allegations in  
12 this Paragraph and note that such allegations refer to claims that have been dismissed.

13       48. As to paragraph 48 of Plaintiffs' Complaint, Defendants deny all allegations in  
14 this Paragraph and note that such allegations refer to claims that have been dismissed.

15       49. As to paragraph 49 of Plaintiffs' Complaint, Defendants deny all allegations in  
16 this Paragraph and note that such allegations refer to claims that have been dismissed.

17       50. As to paragraph 50 of Plaintiffs' Complaint, Defendants deny all allegations in  
18 this Paragraph.

19       51. As to paragraph 51 of Plaintiffs' Complaint, Defendants admit that Plaintiffs are  
20 entitled to food that is sufficient to sustain their health.

21       52. As to paragraph 52 of Plaintiffs' Complaint, Defendants deny all allegations in  
22 this Paragraph.

23       53. As to paragraph 53 of Plaintiffs' Complaint, Defendants deny all allegations in  
24 this Paragraph.

25       54. As to paragraph 54 of Plaintiffs' Complaint, Defendants admit that there is a  
26 contract with Aramark to prepare food for prisoners at Santa Rita Jail; however, Defendants deny  
27 all other allegations in this Paragraph.

1       55. As to paragraph 55 of Plaintiffs' Complaint, Defendants deny all allegations in  
2 this Paragraph.

3       56. As to paragraph 56 of Plaintiffs' Complaint, Defendants admit that the retail food  
4 code requires food to be fit for human consumption.

5       57. As to paragraph 57 of Plaintiffs' Complaint, Defendants deny all allegations in  
6 this Paragraph.

7       58. As to paragraph 58 of Plaintiffs' Complaint, Defendants deny all allegations in  
8 this Paragraph.

9       59. As to paragraph 59 of Plaintiffs' Complaint, Defendants deny all allegations in  
10 this Paragraph.

11       60. As to paragraph 60 of Plaintiffs' Complaint, Defendants deny all allegations in  
12 this Paragraph.

13       61. As to paragraph 61 of Plaintiffs' Complaint, Defendants deny all allegations in  
14 this Paragraph.

15       62. As to paragraph 62 of Plaintiffs' Complaint, Defendants deny all allegations in  
16 this Paragraph.

17       63. As to paragraph 63 of Plaintiffs' Complaint, Defendants object that this paragraph  
18 is inadmissible hearsay, and deny the allegations contained therein.

19       64. As to paragraph 64 of Plaintiffs' Complaint, Defendants deny all allegations in  
20 this Paragraph.

21       65. As to paragraph 65 of Plaintiffs' Complaint, Defendants deny all allegations in  
22 this Paragraph.

23       66. As to paragraph 66 of Plaintiffs' Complaint, Defendants deny all allegations in  
24 this Paragraph.

25       67. As to paragraph 67 of Plaintiffs' Complaint, Defendants deny all allegations in  
26 this Paragraph.

27       68. As to paragraph 68 of Plaintiffs' Complaint, Defendants deny all allegations in  
28 this Paragraph.

1       69. As to paragraph 69 of Plaintiffs' Complaint, Defendants deny all allegations in  
2 this Paragraph.

3       70. As to paragraph 70 of Plaintiffs' Complaint, Defendants deny all allegations in  
4 this Paragraph.

5       71. As to paragraph 71 of Plaintiffs' Complaint, Defendants deny all allegations in  
6 this Paragraph.

7       72. As to paragraphs 72-76 of Plaintiffs' Complaint, Defendants understand that any  
8 cause of action related to these facts has been dismissed; however, in an abundance of caution,  
9 Defendants deny the allegations in these paragraphs, as well.

10      73. As to paragraph 77 of Plaintiffs' Complaint, Defendants deny any factual  
11 allegations (to the extent that there are any) in this paragraph.

12      74. As to paragraph 78 of Plaintiffs' Complaint, Defendants deny all allegations in  
13 this Paragraph.

14      75. As to paragraph 79 of Plaintiffs' Complaint, Defendants deny all allegations in  
15 this Paragraph.

16      76. As to paragraph 80 of Plaintiffs' Complaint, Defendants deny all allegations in  
17 this Paragraph.

18      77. As to paragraph 81 of Plaintiffs' Complaint, Defendants deny all allegations in  
19 this Paragraph.

20      78. As to paragraph 82 of Plaintiffs' Complaint, Defendants deny all allegations in  
21 this Paragraph.

22      79. As to paragraph 83 of Plaintiffs' Complaint, Defendants deny all allegations in  
23 this Paragraph.

24      80. As to paragraph 84 of Plaintiffs' Complaint, Defendants deny all allegations in  
25 this Paragraph.

26      81. As to paragraph 85 of Plaintiffs' Complaint, Defendants deny all allegations in  
27 this Paragraph.

1       82. As to paragraph 86 of Plaintiffs' Complaint, Defendants deny all allegations in  
2 this Paragraph.

3       83. As to paragraph 87 of Plaintiffs' Complaint, Defendants deny all allegations in  
4 this Paragraph.

5       84. As to paragraph 88 of Plaintiffs' Complaint (erroneously numbered Paragraph  
6 87), Defendants deny all allegations in this Paragraph.

7       85. As to paragraph 89 of Plaintiffs' Complaint (erroneously numbered Paragraph  
8 88), Defendants deny all allegations in this Paragraph.

9       86. As to paragraph 90 of Plaintiffs' Complaint (erroneously numbered Paragraph  
10 89), Defendants deny all allegations in this Paragraph.

11       87. As to paragraph 91 of Plaintiffs' Complaint (erroneously numbered Paragraph  
12 90), Defendants deny all allegations in this Paragraph.

13       88. As to paragraph 92 of Plaintiffs' Complaint (erroneously numbered Paragraph  
14 91), Defendants deny all allegations in this Paragraph.

15       89. As to paragraph 93 of Plaintiffs' Complaint (erroneously numbered Paragraph  
16 92), Defendants deny all allegations in this Paragraph.

17       90. As to paragraph 94 of Plaintiffs' Complaint (erroneously numbered Paragraph  
18 93), Defendants deny all allegations in this Paragraph.

19       91. As to paragraph 95 of Plaintiffs' Complaint (erroneously numbered Paragraph  
20 94), Defendants deny all allegations in this Paragraph.

21       92. As to paragraph 96 of Plaintiffs' Complaint (erroneously numbered Paragraph 95,  
22 Defendants deny all allegations in this Paragraph.

23       93. As to paragraph 97 of Plaintiffs' Complaint (erroneously numbered Paragraph  
24 96), Defendants deny all allegations in this Paragraph.

25       94. As to paragraph 98 of Plaintiffs' Complaint (erroneously numbered Paragraph  
26 97), Defendants deny any factual allegations in this Paragraph (to the extent that there are any).

27       95. As to paragraph 99 of Plaintiffs' Complaint (erroneously numbered Paragraph  
28 98), Defendants deny any factual allegations in this Paragraph.

1       96. As to paragraph 100 of Plaintiffs' Complaint (erroneously numbered Paragraph  
2 99), Defendants deny all allegations in this Paragraph.

3       97. As to paragraph 101 of Plaintiffs' Complaint (erroneously numbered Paragraph  
4 100), Defendants deny all allegations in this Paragraph.

5       98. As to paragraph 102 of Plaintiffs' Complaint (erroneously numbered Paragraph  
6 101), Defendants deny all allegations in this Paragraph.

7       99. As to paragraph 103 of Plaintiffs' Complaint (erroneously numbered Paragraph  
8 102), Defendants deny all allegations in this Paragraph.

9       100. As to paragraph 104 of Plaintiffs' Complaint (erroneously numbered Paragraph  
10 103), Defendants deny all allegations in this Paragraph.

11       101. As to paragraph 105 of Plaintiffs' Complaint (erroneously numbered Paragraph  
12 104), Defendants deny all allegations in this Paragraph.

13       102. As to paragraph 106 of Plaintiffs' Complaint (erroneously numbered Paragraph  
14 105), Defendants deny all allegations in this Paragraph.

15       103. As to paragraph 107 of Plaintiffs' Complaint (erroneously numbered Paragraph  
16 106), Defendants deny all allegations in this Paragraph.

17       104. As to paragraph 108 of Plaintiffs' Complaint (erroneously numbered Paragraph  
18 107), Defendants deny all allegations in this Paragraph.

19       105. As to paragraph 109 of Plaintiffs' Complaint (erroneously numbered Paragraph  
20 108), Defendants deny all allegations in this Paragraph.

21       106. As to paragraph 110 of Plaintiffs' Complaint (erroneously numbered Paragraph  
22 109), Defendants deny all allegations in this Paragraph.

23       107. As to paragraph 111 of Plaintiffs' Complaint (erroneously numbered Paragraph  
24 110), Defendants deny all allegations in this Paragraph.

25       108. As to paragraph 112 of Plaintiffs' Complaint (erroneously numbered Paragraph  
26 111), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.  
27  
28

1           109. As to paragraph 113 of Plaintiffs' Complaint (erroneously numbered Paragraph  
2 112), Defendants admit that, in response to the pandemic, additional cleaning procedures were  
3 implemented; however, Defendants deny all other factual allegations in this Paragraph.

4           110. As to paragraph 114 of Plaintiffs' Complaint (erroneously numbered Paragraph  
5 113), Defendants deny all allegations in this Paragraph.

6           111. As to paragraph 115 of Plaintiffs' Complaint (erroneously numbered Paragraph  
7 114), Defendants admit that the OPHU is staffed by medical personnel from Well-Path.

8           112. As to paragraph 116 of Plaintiffs' Complaint (erroneously numbered Paragraph  
9 115), Defendants deny all allegations in this Paragraph.

10          113. As to paragraph 117 of Plaintiffs' Complaint (erroneously numbered Paragraph  
11 116), Defendants deny all allegations in this Paragraph.

12          114. As to paragraph 118 of Plaintiffs' Complaint (erroneously numbered Paragraph  
13 117), Defendants deny all allegations in this Paragraph.

14          115. As to paragraph 119 of Plaintiffs' Complaint (erroneously numbered Paragraph  
15 118), Defendants deny all allegations in this Paragraph.

16          116. As to paragraph 120 of Plaintiffs' Complaint (erroneously numbered Paragraph  
17 119), Defendants deny all allegations in this Paragraph.

18          117. As to paragraph 121 of Plaintiffs' Complaint (erroneously numbered Paragraph  
19 120), Defendants deny all allegations in this Paragraph.

20          118. As to paragraph 122 of Plaintiffs' Complaint (erroneously numbered Paragraph  
21 121), Defendants admit that there is a written contract with Well-Path; however, Defendants lack  
22 sufficient information to admit or deny the rest of the allegations in this Paragraph.

23          119. As to paragraph 123 of Plaintiffs' Complaint (erroneously numbered Paragraph  
24 122), to the extent that there are any factual allegations, Defendants deny all allegations in this  
25 Paragraph.

26          120. As to paragraph 124 of Plaintiffs' Complaint (erroneously numbered Paragraph  
27 123), Defendants admit that there is a written contract with Well-Path; however, Defendants lack  
28 sufficient information to admit or deny the rest of the allegations in this Paragraph.

1           121. As to paragraph 125 of Plaintiffs' Complaint (erroneously numbered Paragraph  
2 124), Defendants admit that there is a written contract with Well-Path; however, Defendants lack  
3 sufficient information to admit or deny the rest of the allegations in this Paragraph.

4           122. As to paragraph 126 of Plaintiffs' Complaint (erroneously numbered Paragraph  
5 125), Defendants admit the allegations in this Paragraph.

6           123. As to paragraph 127 of Plaintiffs' Complaint (erroneously numbered Paragraph  
7 126), Defendants admit that there is a written contract with Well-Path; however, Defendants lack  
8 sufficient information to admit or deny the rest of the allegations in this Paragraph.

9           124. As to paragraph 128 of Plaintiffs' Complaint (erroneously numbered Paragraph  
10 127), Defendants admit that Well-Path, as the medical provider, should and does make medical  
11 decisions regarding patient care without input from County Defendants; however, Defendants  
12 deny the rest of the allegations in this Paragraph.

13           125. As to paragraph 129 of Plaintiffs' Complaint (erroneously numbered Paragraph  
14 128), Defendants admit that Well-Path, as the medical provider, should and does make medical  
15 decisions regarding patient care without input from County Defendants; however, Defendants  
16 deny the rest of the allegations in this Paragraph.

17           126. As to paragraph 130 of Plaintiffs' Complaint (erroneously numbered Paragraph  
18 129), to the extent that there are any factual allegations, Defendants deny all allegations in this  
19 Paragraph.

20           127. As to paragraph 131 of Plaintiffs' Complaint (erroneously numbered Paragraph  
21 130), to the extent that there are any factual allegations, Defendants deny all allegations in this  
22 Paragraph.

23           128. As to paragraph 132 of Plaintiffs' Complaint (erroneously numbered Paragraph  
24 131), to the extent that there are any factual allegations, Defendants deny all allegations in this  
25 Paragraph.

26           129. As to paragraph 133 of Plaintiffs' Complaint (erroneously numbered Paragraph  
27 132), to the extent that there are any factual allegations, Defendants deny all allegations in this  
28 Paragraph.

1           130. As to paragraph 134 of Plaintiffs' Complaint (erroneously numbered Paragraph  
2 133), to the extent that there are any factual allegations, Defendants deny all allegations in this  
3 Paragraph.

4           131. As to paragraph 135 of Plaintiffs' Complaint (erroneously numbered Paragraph  
5 134), to the extent that there are any factual allegations, Defendants deny all allegations in this  
6 Paragraph.

7           132. As to paragraph 136 of Plaintiffs' Complaint (erroneously numbered Paragraph  
8 135), to the extent that there are any factual allegations, Defendants deny all allegations in this  
9 Paragraph.

10          133. As to paragraph 137 of Plaintiffs' Complaint (erroneously numbered Paragraph  
11 136), to the extent that there are any factual allegations, Defendants deny all allegations in this  
12 Paragraph.

13          134. As to paragraph 138 of Plaintiffs' Complaint (erroneously numbered Paragraph  
14 137), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

15          135. As to paragraph 139 of Plaintiffs' Complaint (erroneously numbered Paragraph  
16 138), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

17          136. As to paragraph 140 of Plaintiffs' Complaint (erroneously numbered Paragraph  
18 139), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

19          137. As to paragraph 141 of Plaintiffs' Complaint (erroneously numbered Paragraph  
20 140), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

21          138. As to paragraph 142 of Plaintiffs' Complaint (erroneously numbered Paragraph  
22 141), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

23          139. As to paragraph 143 of Plaintiffs' Complaint (erroneously numbered Paragraph  
24 142), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

25          140. As to paragraph 144 of Plaintiffs' Complaint (erroneously numbered Paragraph  
26 143), Defendants deny the allegations in this Paragraph.

27          141. As to paragraph 145 of Plaintiffs' Complaint (erroneously numbered Paragraph  
28 144), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

1           142. As to paragraph 146 of Plaintiffs' Complaint (erroneously numbered Paragraph  
2 145), Defendants admit that prisoners are not allowed to bring drugs in from outside the facility;  
3 however, Defendants deny that they are denying access to medication and lack sufficient  
4 information to admit or deny whether Well-Path has made the medical determination as to  
5 whether such medication was needed.

6           143. As to paragraph 147 of Plaintiffs' Complaint (erroneously numbered Paragraph  
7 146), Defendants deny the allegations in this Paragraph.

8           144. As to paragraph 148 of Plaintiffs' Complaint (erroneously numbered Paragraph  
9 147), Defendants admit that, for housing requests based on specific medical requirements, those  
10 decisions must come from medical professionals. To the extent that Plaintiffs have difficulty  
11 obtaining such medical orders, Defendants lack sufficient information to admit or deny that  
12 allegation.

13          145. As to paragraph 149 of Plaintiffs' Complaint (erroneously numbered Paragraph  
14 148), Defendants admit that, for housing requests based on specific medical requirements, those  
15 decisions must come from medical professionals. To the extent that Plaintiffs have difficulty  
16 obtaining such medical orders, Defendants lack sufficient information to admit or deny that  
17 allegation.

18          146. As to paragraph 150 of Plaintiffs' Complaint (erroneously numbered Paragraph  
19 149), Defendants admit that, for housing requests based on specific medical requirements, those  
20 decisions must come from medical professionals. Defendants deny any additional factual  
21 allegations in this paragraph.

22          147. As to paragraph 151 of Plaintiffs' Complaint (erroneously numbered Paragraph  
23 150), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

24          148. As to paragraph 152 of Plaintiffs' Complaint (erroneously numbered Paragraph  
25 151), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

26          149. As to paragraph 153 of Plaintiffs' Complaint (erroneously numbered Paragraph  
27 152), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.  
28

1       150. As to paragraph 154 of Plaintiffs' Complaint (erroneously numbered Paragraph  
2 143), Defendants admit that prisoners are not permitted to bring drugs into the facility.  
3 Defendants lack sufficient information to admit or deny the rest of the allegations in this  
4 Paragraph.

5       151. As to paragraph 155 of Plaintiffs' Complaint (erroneously numbered Paragraph  
6 154), Defendants lack sufficient information to admit or deny the allegations in the first sentence.  
7 Defendants deny the remaining allegations in this Paragraph.

8       152. As to paragraph 156 of Plaintiffs' Complaint (erroneously numbered Paragraph  
9 155), Defendants admit the allegations in the first sentence. Defendants lack sufficient  
10 information to admit or deny the allegations in the second, third, and fourth sentences.  
11 Defendants deny the allegations in the fifth sentence, Defendants lack sufficient information to  
12 admit or deny the allegations in the sixth sentence. Defendants deny the allegations in the  
13 seventh and eighth sentences. Defendants lack sufficient information to admit or deny the  
14 remainder of the allegations in this Paragraph.

15       153. As to paragraph 157 of Plaintiffs' Complaint (erroneously numbered Paragraph  
16 156), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

17       154. As to paragraph 158 of Plaintiffs' Complaint (erroneously numbered Paragraph  
18 157), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

19       155. As to paragraph 159 of Plaintiffs' Complaint (erroneously numbered Paragraph  
20 158), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

21       156. As to paragraph 160 of Plaintiffs' Complaint (erroneously numbered Paragraph  
22 159), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

23       157. As to paragraph 161 of Plaintiffs' Complaint (erroneously numbered Paragraph  
24 160), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

25       158. As to paragraph 162 of Plaintiffs' Complaint (erroneously numbered Paragraph  
26 161), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

27       159. As to paragraph 163 of Plaintiffs' Complaint (erroneously numbered Paragraph  
28 162), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

1       160. As to paragraph 164 of Plaintiffs' Complaint (erroneously numbered Paragraph  
2 163), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

3       161. As to paragraph 165 of Plaintiffs' Complaint (erroneously numbered Paragraph  
4 164), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

5       162. As to paragraph 166 of Plaintiffs' Complaint (erroneously numbered Paragraph  
6 165), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

7       163. As to paragraph 167 of Plaintiffs' Complaint (erroneously numbered Paragraph  
8 166), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

9       164. As to paragraph 168 of Plaintiffs' Complaint (erroneously numbered Paragraph  
10 167), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

11       165. As to paragraph 169 of Plaintiffs' Complaint (erroneously numbered Paragraph  
12 168), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

13       166. As to paragraph 170 of Plaintiffs' Complaint (erroneously numbered Paragraph  
14 169), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

15       167. As to paragraph 171 of Plaintiffs' Complaint (erroneously numbered Paragraph  
16 170), Defendants lack sufficient information to admit or deny the allegations in the first seven  
17 sentences. Defendants deny the remaining allegations in this Paragraph.

18       168. As to paragraph 172 of Plaintiffs' Complaint (erroneously numbered Paragraph  
19 171), Defendants deny the allegations in this Paragraph.

20       169. As to paragraph 173 of Plaintiffs' Complaint (erroneously numbered Paragraph  
21 172), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

22       170. As to paragraph 174 of Plaintiffs' Complaint (erroneously numbered Paragraph  
23 173), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

24       171. As to paragraph 175 of Plaintiffs' Complaint (erroneously numbered Paragraph  
25 174), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

26       172. As to paragraph 176 of Plaintiffs' Complaint (erroneously numbered Paragraph  
27 175), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

1       173. As to paragraph 177 of Plaintiffs' Complaint (erroneously numbered Paragraph  
2 176), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

3       174. As to paragraph 178 of Plaintiffs' Complaint (erroneously numbered Paragraph  
4 177), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

5       175. As to paragraph 179 of Plaintiffs' Complaint (erroneously numbered Paragraph  
6 178), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

7       176. As to paragraph 180 of Plaintiffs' Complaint (erroneously numbered Paragraph  
8 179), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

9       177. As to paragraph 181 of Plaintiffs' Complaint (erroneously numbered Paragraph  
10 180), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

11       178. As to paragraph 182 of Plaintiffs' Complaint (erroneously numbered Paragraph  
12 181), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

13       179. As to paragraph 183 of Plaintiffs' Complaint (erroneously numbered Paragraph  
14 182), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

15       180. As to paragraph 184 of Plaintiffs' Complaint (erroneously numbered Paragraph  
16 183), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.  
17 Except as to the last sentence, which Defendants deny.

18       181. As to paragraph 185 of Plaintiffs' Complaint (erroneously numbered Paragraph  
19 184), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

20       182. As to paragraph 186 of Plaintiffs' Complaint (erroneously numbered Paragraph  
21 185), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

22       183. As to paragraph 187 of Plaintiffs' Complaint (erroneously numbered Paragraph  
23 186), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

24       184. As to paragraph 188 of Plaintiffs' Complaint (erroneously numbered Paragraph  
25 187), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

26       185. As to paragraph 189 of Plaintiffs' Complaint (erroneously numbered Paragraph  
27 188), Defendants deny the allegations in this Paragraph.

1       186. As to paragraph 190 of Plaintiffs' Complaint (erroneously numbered Paragraph  
2 189), Defendants admit that this was part of the Covid-19 Outbreak Plan in August of 2020.

3       187. As to paragraph 191 of Plaintiffs' Complaint (erroneously numbered Paragraph  
4 190), Defendants deny the allegations in this Paragraph.

5       188. As to paragraph 192 of Plaintiffs' Complaint (erroneously numbered Paragraph  
6 191), Defendants deny the allegations in this Paragraph.

7       189. As to paragraph 193 of Plaintiffs' Complaint (erroneously numbered Paragraph  
8 192), Defendants lack sufficient information to admit or deny the allegations in this Paragraph,  
9 except that Defendants deny that there was a "mass outbreak" at any time.

10      190. As to paragraphs 194-199 of Plaintiffs' Complaint (erroneously numbered  
11 Paragraphs 193-198), Defendants recognize that any related claims have been dismissed, but, in  
12 an abundance of caution, Defendants deny the allegations in these Paragraphs.

13      191. As to paragraph 201 of Plaintiffs' Complaint (erroneously numbered Paragraph  
14 200), Defendants admit that on or around that date, dismissed Defendant Hesselein entered the  
15 common area of housing unit 31 in the company of others (race and ages unknown to  
16 Defendants).

17      192. As to paragraph 202 of Plaintiffs' Complaint (erroneously numbered Paragraph  
18 201), Defendants deny the allegations in this Paragraph.

19      193. As to paragraph 203 of Plaintiffs' Complaint (erroneously numbered Paragraph  
20 202), Defendants deny the allegations in this Paragraph.

21      194. As to paragraph 204 of Plaintiffs' Complaint (erroneously numbered Paragraph  
22 203), Defendants deny the allegations in this Paragraph.

23      195. As to paragraph 205 of Plaintiffs' Complaint (erroneously numbered Paragraph  
24 204), Defendants deny the allegations in this Paragraph.

25      196. As to paragraph 206of Plaintiffs' Complaint (erroneously numbered Paragraph  
26 205), Defendants deny the allegations in this Paragraph.

27      197. As to paragraph 207 of Plaintiffs' Complaint (erroneously numbered Paragraph  
28 206), Defendants deny the allegations in this Paragraph.

1       198. As to paragraph 208 of Plaintiffs' Complaint (erroneously numbered Paragraph  
2 207), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

3       199. As to paragraph 209 of Plaintiffs' Complaint (erroneously numbered Paragraph  
4 208), Defendants deny the allegations in this Paragraph.

5       200. As to paragraph 210 of Plaintiffs' Complaint (erroneously numbered Paragraph  
6 209), Defendants deny the allegations in this Paragraph.

7       201. As to paragraph 211 of Plaintiffs' Complaint (erroneously numbered Paragraph  
8 210), Defendants deny the allegations in this Paragraph.

9       202. As to paragraph 212 of Plaintiffs' Complaint (erroneously numbered Paragraph  
10 211), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

11       203. As to paragraph 213 of Plaintiffs' Complaint (erroneously numbered Paragraph  
12 212), Defendants deny the allegations in this Paragraph.

13       204. As to paragraph 214 of Plaintiffs' Complaint (erroneously numbered Paragraph  
14 213), Defendants object to this paragraph as speculation and conjecture. To the extent that there  
15 are facts alleged in this paragraph, Defendants deny those factual allegations.

16       205. As to paragraph 215 of Plaintiffs' Complaint (erroneously numbered Paragraph  
17 214), Defendants deny the allegations in this Paragraph.

18       206. As to paragraph 216 of Plaintiffs' Complaint (erroneously numbered Paragraph  
19 215), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

20       207. As to paragraph 217 of Plaintiffs' Complaint (erroneously numbered Paragraph  
21 216), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

22       208. As to paragraph 218 of Plaintiffs' Complaint (erroneously numbered Paragraph  
23 217), Defendants deny all allegations in this Paragraph except for the first sentence, which  
24 Defendants lack sufficient information to admit or deny.

25       209. As to paragraph 219 of Plaintiffs' Complaint (erroneously numbered Paragraph  
26 218), Defendants deny the allegations in this Paragraph and note that any class claims related to  
27 these allegations have been dismissed.

1           210. As to paragraph 220 of Plaintiffs' Complaint (erroneously numbered Paragraph  
2 219), Defendants deny the allegations in this Paragraph.

3           211. As to paragraph 221 of Plaintiffs' Complaint (erroneously numbered Paragraph  
4 220), Defendants deny the allegations in this Paragraph.

5           212. As to paragraph 222 of Plaintiffs' Complaint (erroneously numbered Paragraph  
6 221), Defendants deny the allegations in this Paragraph.

7           **II. CLAIMS FOR RELIEF**

8           **FIRST CLAIM FOR RELIEF: DEPRIVATION OF FEDERAL CIVIL RIGHTS UNDER**  
9           **42 U.S.C. § 1983 FOURTEENTH AMENDMENT**

10           **Sufficient, Unspoilt, Food Necessary To Sustain Health**

11           213. As to paragraph 223 of Plaintiffs' Complaint (erroneously numbered Paragraph  
12 222), Defendants adopt their responses as outlined above to the allegations in this Paragraph.

13           214. As to paragraph 224 of Plaintiffs' Complaint (erroneously numbered Paragraph  
14 223), to the extent that there are allegations of fact in this paragraph, Defendants deny those  
15 allegations.

16           215. As to paragraph 225 of Plaintiffs' Complaint (erroneously numbered Paragraph  
17 224), Defendants deny the allegations in this paragraph in their entirety.

18           216. As to paragraph 226 of Plaintiffs' Complaint (erroneously numbered Paragraph  
19 225), Defendants deny the allegations in this paragraph in their entirety.

20           217. As to paragraph 227 of Plaintiffs' Complaint (erroneously numbered Paragraph  
21 226), Defendants deny the allegations in this paragraph in their entirety.

22           **SECOND CLAIM FOR RELIEF: DEPRIVATION OF FEDERAL CIVIL**  
23           **RIGHTSUNDER 42 U.S.C. § 1983 EIGHTH AMENDMENT**

24           **Sufficient, Non-Contaminated, Food Necessary To Sustain Health**

25           218. As to paragraph 228 of Plaintiffs' Complaint (erroneously numbered Paragraph  
26 227), Defendants adopt their responses as outlined above to the allegations in this Paragraph.

27           219. As to paragraph 229 of Plaintiffs' Complaint (erroneously numbered Paragraph  
28 228), Defendants deny the allegations in this paragraph in their entirety.

1           220. As to paragraph 230 of Plaintiffs' Complaint (erroneously numbered Paragraph  
2 229), Defendants deny the allegations in this paragraph in their entirety.

3           221. As to paragraph 231 of Plaintiffs' Complaint (erroneously numbered Paragraph  
4 230), Defendants deny the allegations in this paragraph in their entirety.

5           222. As to paragraph 232 of Plaintiffs' Complaint (erroneously numbered Paragraph  
6 231), Defendants deny the allegations in this paragraph in their entirety.

7           **THIRD CLAIM FOR RELIEF: DEPRIVATION OF FEDERAL CIVIL RIGHTS**

8           **UNDER 42 U.S.C. § 1983 FOURTEENTH AMENDMENT**

9           **Medical Services**

10          223. As to paragraph 233 of Plaintiffs' Complaint (erroneously numbered Paragraph  
11 232), Defendants adopt their responses as outlined above to the allegations in this Paragraph.

12          224. As to paragraph 234 of Plaintiffs' Complaint (erroneously numbered Paragraph  
13 233), to the extent that there are allegations of fact in this paragraph, Defendants deny those  
14 allegations.

15          225. As to paragraph 235 of Plaintiffs' Complaint (erroneously numbered Paragraph  
16 234), these claims have been dismissed; however, Defendants deny these allegations to the  
17 extent that they are relevant to any other claims for relief.

18          226. As to paragraph 236 of Plaintiffs' Complaint (erroneously numbered Paragraph  
19 235), these claims have been dismissed; however, Defendants deny these allegations to the  
20 extent that they are relevant to any other claims for relief.

21          227. As to paragraph 237 of Plaintiffs' Complaint (erroneously numbered Paragraph  
22 236), Defendants deny the allegations in this paragraph in their entirety.

23          228. As to paragraph 238 of Plaintiffs' Complaint (erroneously numbered Paragraph  
24 237), Defendants deny the allegations in this paragraph in their entirety.

25          229. As to paragraph 239 of Plaintiffs' Complaint (erroneously numbered Paragraph  
26 238), Defendants deny the allegations in this paragraph in their entirety.

27           **FOURTH CLAIM FOR RELIEF: DEPRIVATION OF FEDERAL CIVIL RIGHTS**

28           **UNDER 42 U.S.C. § 1983 EIGHTH AMENDMENT**

## **Medical Services**

230. As to paragraph 240 of Plaintiffs' Complaint (erroneously numbered Paragraph 239), Defendants adopt their responses as outlined above to the allegations in this Paragraph.

231. As to paragraph 241 of Plaintiffs' Complaint (erroneously numbered Paragraph 240), to the extent that there are allegations of fact in this paragraph, Defendants deny those allegations.

232. As to paragraph 242 of Plaintiffs' Complaint (erroneously numbered Paragraph 241), these claims have been dismissed; however, Defendants deny these allegations to the extent that they are relevant to any other claims for relief.

233. As to paragraph 243 of Plaintiffs' Complaint (erroneously numbered Paragraph 242), these claims have been dismissed; however, Defendants deny these allegations to the extent that they are relevant to any other claims for relief.

234. As to paragraph 244 of Plaintiffs' Complaint (erroneously numbered Paragraph 243), Defendants deny the allegations in this paragraph in their entirety.

235. As to paragraph 245 of Plaintiffs' Complaint (erroneously numbered Paragraph 244), Defendants deny the allegations in this paragraph in their entirety.

236. As to paragraph 246 of Plaintiffs' Complaint (erroneously numbered Paragraph 245), Defendants deny the allegations in this paragraph in their entirety.

237. As to paragraph 247 of Plaintiffs' Complaint (erroneously numbered Paragraph 246), Defendants deny the allegations in this paragraph in their entirety.

**FIFTH CLAIM FOR RELIEF: DEPRIVATION OF FEDERAL CIVIL RIGHTS  
UNDER 42 U.S.C. § 1983 FOURTEENTH AMENDMENT**

## Adequate Sanitation

238. As to paragraph 248 of Plaintiffs' Complaint (erroneously numbered Paragraph 247), Defendants adopt their responses as outlined above to the allegations in this Paragraph.

239. As to paragraph 249 of Plaintiffs' Complaint (erroneously numbered Paragraph 248), to the extent that there are allegations of fact in this paragraph, Defendants deny those allegations.

1           240. As to paragraph 250 of Plaintiffs' Complaint (erroneously numbered Paragraph  
2 249), Defendants deny the allegations in this paragraph in their entirety.

3           241. As to paragraph 251 of Plaintiffs' Complaint (erroneously numbered Paragraph  
4 250), Defendants deny the allegations in this paragraph in their entirety.

5           242. As to paragraph 252 of Plaintiffs' Complaint (erroneously numbered Paragraph  
6 251), Defendants deny the allegations in this paragraph in their entirety.

7           243. As to paragraph 253 of Plaintiffs' Complaint (erroneously numbered Paragraph  
8 252), Defendants deny the allegations in this paragraph in their entirety.

9           **SIXTH CLAIM FOR RELIEF: DEPRIVATION OF FEDERAL CIVIL RIGHTS**

10           **UNDER 42 U.S.C. § 1983 EIGHTH AMENDMENT**

11           **Adequate Sanitation**

12           244. As to paragraph 254 of Plaintiffs' Complaint (erroneously numbered Paragraph  
13 253), Defendants adopt their responses as outlined above to the allegations in this Paragraph.

14           245. As to paragraph 255 of Plaintiffs' Complaint (erroneously numbered Paragraph  
15 254), to the extent that there are allegations of fact in this paragraph, Defendants deny those  
16 allegations.

17           246. As to paragraph 256 of Plaintiffs' Complaint (erroneously numbered Paragraph  
18 255), Defendants deny the allegations in this paragraph in their entirety.

19           247. As to paragraph 257 of Plaintiffs' Complaint (erroneously numbered Paragraph  
20 256), Defendants deny the allegations in this paragraph in their entirety.

21           248. As to paragraph 258 of Plaintiffs' Complaint (erroneously numbered Paragraph  
22 257), Defendants deny the allegations in this paragraph in their entirety.

23           249. As to paragraph 259 of Plaintiffs' Complaint (erroneously numbered Paragraph  
24 258), Defendants deny the allegations in this paragraph in their entirety.

25           **SIXTH CLAIM FOR RELIEF: DEPRIVATION OF FEDERAL CIVIL RIGHTS**

26           **UNDER 42 U.S.C. § 1983 FIRST AMENDMENT**

27           250. As to paragraph 260 of Plaintiffs' Complaint (erroneously numbered Paragraph  
28 259), Defendants adopt their responses as outlined above to the allegations in this Paragraph.

1           251. As to paragraph 261 of Plaintiffs' Complaint (erroneously numbered Paragraph  
2 260), Defendants note that these claims have been dismissed except for Plaintiff Gerrans's  
3 individual claim against Defendants. With that caveat, Defendants deny the allegations in this  
4 paragraph in their entirety.

5           252. As to paragraph 262 of Plaintiffs' Complaint (erroneously numbered Paragraph  
6 261), Defendants note that these claims have been dismissed except for Plaintiff Gerrans's  
7 individual claim against Defendants. With that caveat Defendants admit the allegation in this  
8 Paragraph.

9           253. As to paragraph 263 of Plaintiffs' Complaint (erroneously numbered Paragraph  
10 262), Defendants note that these claims have been dismissed except for Plaintiff Gerrans's  
11 individual claim against Defendants. With that caveat Defendants deny the allegations in this  
12 paragraph in their entirety.

13           254. As to paragraph 264 of Plaintiffs' Complaint (erroneously numbered Paragraph  
14 263), Defendants note that these claims have been dismissed except for Plaintiff Gerrans's  
15 individual claim against Defendants. With that caveat Defendants deny the allegations in this  
16 paragraph in their entirety.

17           255. As to paragraph 265 of Plaintiffs' Complaint (erroneously numbered Paragraph  
18 264), Defendants note that these claims have been dismissed except for Plaintiff Gerrans's  
19 individual claim against Defendants. With that caveat Defendants deny the allegations in this  
20 paragraph in their entirety.

21           256. As to paragraph 266 of Plaintiffs' Complaint (erroneously numbered Paragraph  
22 265), Defendants note that these claims have been dismissed except for Plaintiff Gerrans's  
23 individual claim against Defendants. With that caveat Defendants deny the allegations in this  
24 paragraph in their entirety.

### **III. AFFIRMATIVE DEFENSES**

## **FIRST AFFIRMATIVE DEFENSE**

#### **(Failure to State a Valid Claim)**

1 To the extent the Complaint, and each and every purported cause of action contained  
2 therein, fails to set forth facts sufficient to state a cause of action, Plaintiffs are barred from any  
3 recovery against Defendant.

4 **SECOND AFFIRMATIVE DEFENSE**  
5 **(Qualified Immunity)**

6 To the extent the Complaint, and each and every purported cause of action contained  
7 therein, alleges actions taken by law enforcement officers acting in the course and scope of  
8 their duties, Defendants are immune from liability, and Plaintiffs are barred from any recovery  
9 against Defendant.

10 **THIRD AFFIRMATIVE DEFENSE**  
11 **(Rational Basis)**

12 To the extent the Complaint, and each and every purported cause of action contained  
13 therein, alleges an interference with Plaintiffs' rights, Defendants had a legitimate state interest  
14 in enforcing the rules and policies related to the need to provide a safe and secure jail, and  
15 Defendants had a rational basis for taking the actions they took.

16 **FOURTH AFFIRMATIVE DEFENSE**  
17 **(Compelling Government Interest)**

18 To the extent the Complaint, and each and every purported cause of action contained  
19 therein, alleges an interference with Plaintiffs' fundamental rights, Defendants had a  
20 compelling government interest related to the actions taken, and no less-restrictive measures  
21 were available; therefore, Plaintiffs are barred from any recovery against Defendant.

22 **FIFTH AFFIRMATIVE DEFENSE**  
23 **(Legitimate, Non-Discriminatory Reason)**

24 Each and every purported cause of action alleged in Plaintiffs' Complaint is barred  
25 because Defendants had legitimate, non-discriminatory reasons for the alleged conduct, and  
26 that they would have made the same decisions even in the absence of any purported unlawful  
27 motive.

28 **SIXTH AFFIRMATIVE DEFENSE**

## **(Statute of Limitations)**

To the extent that Plaintiffs allege issues and activities that occurred outside of the time-window proscribed by the statute of limitations (Cal. Code Civ. Proc., § 338(1)), Plaintiffs' actions are time-barred.

## **SEVENTH AFFIRMATIVE DEFENSE**

## (Laches)

To the extent that Plaintiffs and/or putative class members seek equitable relief for matters in which they sat on their rights to the detriment of Defendants, these actions are barred by the doctrine of laches.

## **EIGHTH AFFIRMATIVE DEFENSE**

## (Unclean Hands)

Each and every purported cause of action alleged in Plaintiffs' Complaint is barred because Plaintiffs should not be allowed to profit off their own wrongdoing.

## NINTH AFFIRMATIVE DEFENSE

### **(Exclusive Remedy)**

To the extent that Plaintiffs allege violations of their property interest, there was an alternate remedy available under state tort law, and Plaintiffs' claims for relief under Section 1983 are time-barred.

## **TENTH AFFIRMATIVE DEFENSE**

## **(Failure to Mitigate)**

Plaintiffs have failed to mitigate any or all of the damages alleged in the Complaint; therefore, they are precluded from recovering these damages.

## **ELEVENTH AFFIRMATIVE DEFENSE**

### (Necessity)

Each and every purported cause of action alleged in Plaintiffs' Complaint is barred because the actions taken by Defendants were made necessary by emergency circumstances, including the outbreak of the COVID-19 pandemic.

## **TWELFTH AFFIRMATIVE DEFENSE**

#### **(Negligence or Willful Conduct of Plaintiffs)**

Each and every purported cause of action in Plaintiffs' Complaint is the result, at least in part, of the negligence and/or willful conduct of Plaintiffs themselves; therefore, they should be barred from recovery or their damages should be mitigated by their relative fault.

## **THIRTEENTH AFFIRMATIVE DEFENSE**

## **(Acts of Third Parties)**

Each and every purported cause of action alleged in Plaintiffs' Complaint is barred because, to the extent that Plaintiffs incurred damages, those damages were the result of actions by third parties, either negligent or intentional.

## **FOURTEENTH AFFIRMATIVE DEFENSE**

#### **(Reliance on Appropriate Professionals)**

To the extent that Plaintiffs allege damages or deprivation of their rights related to medical needs, Defendants arranged for treatment and decision-making by the appropriate medical professionals and relied on the decisions of those professionals. These answering Defendants took no part in medical decision making.

## **FIFTEENTH AFFIRMATIVE DEFENSE**

#### **(Plaintiffs at Fault)**

To the extent that Plaintiffs allege damages or deprivation of their rights related to medical needs, Plaintiffs had a responsibility to follow the advice of medical professionals, and, to the extent that they failed to do so, Plaintiffs are responsible for the outcomes of that failure.

## **SIXTEENTH AFFIRMATIVE DEFENSE**

### (Exhaustion of Remedies)

Defendants allege that Plaintiffs' claims are barred, in whole or in part, by their failure to comply with and/or exhaust any and all administrative and other available remedies.

## **SEVENTEENTH AFFIRMATIVE DEFENSE**

### (Res Judicata/Collateral Estoppel)

1 Defendants allege that Plaintiffs' claims are barred or limited, in whole or in part, by res  
2 judicata or collateral estoppel.

3 **EIGHTEENTH AFFIRMATIVE DEFENSE**

4 **(Monell)**

5 Defendants allege that Plaintiffs' Complaint fails to state a cause of action for violation  
6 of 42 U.S.C. § 1983 under *Monell v. Department of Social Services in the City of New York*,  
7 436 U.S. 658 (1978). There can be no recovery for federal civil rights violation when there is  
8 no constitutional deprivation occurring pursuant to governmental custom or policy. *Id.*

9 **NINETEENTH AFFIRMATIVE DEFENSE**

10 **(Deliberate Indifference)**

11 Defendants allege that Plaintiffs do not state a claim for deliberate indifference to a  
12 serious medical or mental health need because a difference in opinion as to the need to pursue  
13 one course of treatment over another is insufficient as a matter of law to establish deliberate  
14 indifference, and Plaintiffs cannot show that the course of treatment chosen was medically  
15 unacceptable under the circumstances. *Jackson v. McIntosh*, 90 F.3d 330 (9th Cir. 1996);  
16 *Sanchez v. Vild*, 891 F.2d 240, 242 (9th Cir. 1989).

17 **TWENTIETH AFFIRMATIVE DEFENSE**

18 **(Attorney's Fees)**

19 Plaintiffs' Complaint fails to state a claim against Defendants upon which attorneys'  
20 fees or costs can be awarded.

21 **TWENTY-ONE AFFIRMATIVE DEFENSE**

22 **(Negligence)**

23 Plaintiffs' claims, and each of them, as set forth in the Complaint, are barred because  
24 Plaintiffs have failed to state any claim upon which relief can be granted in that negligence in  
25 diagnosing or treating a medical condition does not state a valid claim for a federal civil rights  
26 violation. *Parratt v. Taylor*, 451 U.S. 527 (1981).

27 **TWENTY-SECOND AFFIRMATIVE DEFENSE**

28 **(Defendants Acted with Due Care and in Good Faith)**

Defendants allege that at all relevant times, Defendants and their agents or employees acted within the scope of their discretion, with due care and good faith fulfillment of their responsibilities in accordance with applicable Court orders, statutes, rules, regulations, and established and lawful policies and procedures, within the bounds of reason under all circumstances known to them, and with the good faith belief that their actions comported with all applicable federal and state laws, and they are therefore immune from liability.

## **TWENTY-THIRD AFFIRMATIVE DEFENSE**

### (No Fault)

Defendants are not liable to Plaintiffs, in whole or in part, because of the losses or harm that the Plaintiffs have allegedly suffered was not caused by any act or omission of Defendants.

## TWENTY-FOURTH AFFIRMATIVE DEFENSE

## **(No Deprivation of Rights, Privileges, and Immunities)**

Defendants did not deprive Plaintiffs of any right, privilege or immunity guaranteed by the Constitution, the laws of the United States, and the laws of California.

## TWENTY-FIFTH AFFIRMATIVE DEFENSE

**(No Clearly Established Constitutional Right)**

Defendants allege that the acts and conduct of Defendants, who were at all times herein government officials or government entities performing discretionary functions, did not violate clearly established statutory or constitutional rights of Plaintiffs of which a reasonable person would have known. Furthermore, Defendants reasonably believed in good faith that their acts and conduct were constitutional. *Harlow v. Fitzgerald*, 457 U.S. 800, 812 (1982); *Smiddy v. Varney*, 665 F.2d 261, 266 (9th Cir. 1981).

#### **IV. DEMAND FOR TRIAL BY JURY**

Defendants, COUNTY OF ALAMEDA, ALAMEDA COUNTY SHERIFF'S OFFICE,  
DEPUTY JOE and DEPUTY IGNONT, hereby demand a trial by jury.

## V. PRAAYER

AMENDED ANSWER TO COMPLAINT  
CASE NUMBER: 3:19-cv-07423-JSC

1       The remainder of Plaintiffs' Complaint contains Plaintiffs' request for relief, to which no  
2 response is required. To the extent a response is deemed required, Defendants denies each and  
3 every allegation contained therein and specifically denies that Plaintiff is entitled to any relief.

4       Except as expressly admitted above, Defendants denies each and every allegation  
5 contained in Plaintiff's Complaint.

6       **WHEREFORE**, these answering Defendants pray for judgment herein as follows:

- 7       1.      That Plaintiffs take nothing by way of his Complaint on file herein,  
8       2.      For costs of suit incurred herein;  
9       3.      For those costs, fees, and expenses incurred in the defense of the Complaint;  
10      4.      For attorney's fees according to proof; and

11      For such other and further relief as the Court may deem just and proper.

13      Dated: June 28, 2023

BURKE, WILLIAMS & SORENSEN, LLP

15      By:

16      Gregory B. Thomas  
17      Temitayo O. Peters  
18      Jasper L. Hall  
19      Attorneys for Defendants ALAMEDA  
20      COUNTY SHERIFF'S OFFICE,  
21      ALAMEDA COUNTY, DEPUTY JOE, and  
22      DEPUTY IGNONT

23      DATED: November 21, 2022

SKANE MILLS LLP

25      By: s/ Jonathan Belaga

26      Jonathan Belaga, Esq.

27      Attorney for Defendants,

28      COUNTY OF ALAMEDA, ALAMEDA COUNTY  
SHERIFF'S OFFICE, DEPUTY JOE and DEPUTY  
IGNONT

|       AMENDED ANSWER TO COMPLAINT

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| AMENDED ANSWER TO COMPLAINT

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